HC-KAR

NC: 2026:KHC:61137
MFA No. 3331 of 2026

CNR: KAHC010320492026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3331 OF 2026

(MV-I)

BETWEEN:

SHRI PRASHANTH NAIR M
SON OF KRISHNAKUTTY
AGED ABOUT 43 YEARS
RESIDING AT No. 243
3RD FLOOR, BRINDAVANA LAYOUT
1ST CROSS, ESKAY HOSPITAL
SHETTIHALLI, JALAHALI WEST
BENGALURU- 560 015.

...APPELLANT

(BY SRI K V NAIK, ADVOCATE)

AND:

1. SHRI MAHESHA P R
SON OF PRAKASH C, MAJOR
RESIDING AT No. 4
NAVEEN NILAYA, 3RD MAIN
4TH CROSS, BEHIND PES SCHOOL
PEENYA 1ST STAGE
BENGALURU - 560 058.

2. THE MANAGER
ICICI LOMBARD GENERAL
INSURANCE CO LTD., No. 121

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THE ESTATE, 9TH FOOR
DICKENSON ROAD, M G ROAD
BENGALURU - 560 001.

3. MUNTIMADUGU
RADHAKRISHNA
SON OF MUNTIMADUGU NARAPPA, MAJOR
RESIDING AT No. 38/A
2ND MAIN ROAD, ANNAPURNESHWARI NAGAR
NEAR NANJUNDESHWARA TEMPLE
HEGGANAHALLI, BENGALURU
KARNATAKA - 560 091.

4. THE MANAGER
GO DIGIT GENERAL INSURANCE CO. LTD.,
ATLANTIS, No. 95, 4TH B CROSS ROAD
5TH BLOCK, KORAMANGALA
BENGALURU - 560 095.

…RESPONDENTS

(BY SRI A M VENKATESH, ADVOCATE FOR R2
V/O DATED 01.06.2026,NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:19/03/2025 PASSED IN MVC No.4159/2022 ON THE FILE OF THE III ADDL. JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES BENGALURU., PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 31.08.2026, THIS DAY, ***SHIVASHANKAR AMARANNAVAR J***, DELIVERED THE FOLLOWING;

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

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CAV JUDGMENT

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 19.03.2025 passed in MVC No. 4159/2022 by III Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-18).

2. Appellant - claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 20.06.2022 contending that the accident occurred due to the rash and negligent driving by the driver of the lorry bearing registration No. KA-19-C-8841. The Tribunal after recording evidence and receiving the evidence on record has awarded compensation under various heads as under:

	Compensation heads	Compensation amount
1	Pain and suffering	Rs.80,000.00
2	Loss of income during laid-up period and rest period	Rs.46,500.00
3	Medical expenses	NIL
4	Attendant, Nourishment and Conveyance charges	Rs.20,000.00

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5	Reduced disability of employment	Rs.3,50,000.00
6	Loss of amenities	Rs.50,000.00
7	Future Medication	Rs.40,000.00
	Total	**Rs.5,86,500.00**

3. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till the date of realization and held that respondent Nos. 2 and 4 - Insurers of two vehicles are liable to pay the compensation in the ratio of 80 : 20 respectively. Claimant seeking enhancement of the compensation awarded by the Tribunal has filed the present appeal.

4. Heard learned counsel for appellant and learned counsel for respondent Nos. 2 and 4 - Insurers.

5. Learned counsel for appellant would contend that the Doctors have stated that the claimant has sustained 24% disability to the whole body and inspite of the disability, the Tribunal has not awarded loss of future income due to disability. He, placing reliance on the decision of the Apex Court in the case of ***Sandeep Khanuja Vs. Atul Dande and another, Civil Appeal***

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No. 1329/2017 decided on ***02.02.2017*** and decision Coordinate Bench of this Case in the case of ***Mr. V. Ramachandra Vs. Mr. Rajesh Naik and another, MFA 368/2015*** decided on ***26.08.2021,*** would contend that the claimant is entitled to loss of future earning due to disability even though he continued in his employment, which he was doing earlier. He further submits that considering the injuries sustained, the compensation awarded towards the pain and suffering and loss of amenities are on the lower side.

6. Learned counsel for respondent Nos. 2 and 4 Insurers would contend that appellant - claimant was working in Bata showroom prior to the accident and even after the accident he continued in the said employment, getting the same income and therefore he is not entitled to loss of future income due to disability and same has been rightly held by the Tribunal. Compensation awarded on all heads in just and proper and there are no grounds for enhancement.

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7. Having heard learned counsel for the parties the Court has perused the judgment, award and trial Court records.

8. The accident occurred on 20.06.2022 and as on the date of accident the claimant was aged 39 years.

9. Appellant - claimant had sustained the following injuries:

i. Crush injury of right arm and forearm exposing the crushed muscles blood vessles and bones

ii. Supra condylar fracture of right humerus

iii. Fracture of right ulna

10. Considering the said injuries sustained, the compensation awarded by the Tribunal towards pain and suffering in a sum of R.80,000/- is enhanced to Rs.1,00,000/- and loss of amenities awarded in a sum of Rs.50,000/- is enhanced to Rs.60,000/-.

11. The compensation awarded by the Tribunal towards attendant and conveyance charges in a sum of Rs.20,000/-, future medical expenses of Rs.40,000/- and

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loss of income during laid up period for 3 months in a sum of Rs.46,500/- are just and proper.

12. The Tribunal has not awarded loss of future income due to disability on the ground that the claimant was working at a Bata showroom and he continued his service even after the accident. Even though the Tribunal has not awarded loss of future income due to disability, it has awarded a sum of Rs.3,50,000/- towards reduced disability of employment.

13. The Hon'ble Apex Court in ***Sandeep Khanuja, (supra)*** considering the case of a Chartered Accountant who had sustained disability in an accident has awarded loss of future income due to disability on the ground that Chartered Accountant has to visit the clients several times and also has to visit several authorities as well and the injuries sustained/disability suffered affected his profession of Chartered Accountant.

14. In the case of ***Mr. V. Ramachandra (supra),*** Coordinate Bench has considered the case of an employee

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in BSNL who had sustained injury/disability and has not awarded loss of future income due to disability.

15. In the case of ***Raj Kumar Vs. Sajet Kumar, AIR Online 2010 SC page 125*** the Hon'ble Apex Court has held as under:

> *"9. Therefore, the Tribunal has to first decide whether there is any permanent disability and if so the extent of such permanent disability. This means that the Tribunal should consider and decide with reference to the evidence : (i) whether the disablement is permanent or temporary; (ii) if the disablement is permanent, whether it is permanent total disablement or permanent partial disablement (iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is the permanent disability suffered by the person. If the Tribunal concludes that there is no permanent disability then there is no question of proceeding further and determining the loss of future earning capacity. But if the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent. After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity".*

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16. Appellant - claimant has not placed on record that he had left the job or was removed from the job. Said aspect clearly indicates that he continued his job in Bata Showroom. Therefore appellant - claimant has not sustained any loss of future earning due to disability.

17. Even though the Tribunal has not awarded loss of future income due to disability, has awarded a sum of Rs.3,50,000/- towards reduced disability of employment. The Tribunal while awarding the said amount has rightly observed that the claimant has to suffer with the said disability throughout his life and eligibility of his employment has been reduced due to the disability sustained by him in a road traffic accident. Considering the said aspect, the Tribunal has rightly considered the claim of appellant - claimant.

18. In view of the above, the claimant is entitled to only enhanced compensation under the following heads:

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Pain and suffering	-	Rs.20,000/-
Loss of amenities	-	Rs.10,000/-

Total	-	Rs.30,000/-

19. Appellant – claimant is entitled to enhanced compensation of Rs.30,000/- with interest at the rate of 6% per annum from the date of petition till the date of realization. Respondent Nos. 2 and 4 - Insurers are liable to pay the said enhanced compensation in the ratio of 80 : 20 respectively with interest. The claimant is not entitled to interest for the delay period of 316 days in filing the appeal as per order dated 12.08.2026 passed on IA No. 1/2026.

20. In view of the above following;

O R D E R

i. Appeal is allowed in part.

ii. Appellant - claimant is entitled to enhanced compensation of Rs.30,000/- with interest at the

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rate of 6% per annum from the date of petition till realization.

iii. Appellant - claimant is not entitled to interest for the delay period of 316 days in filing the appeal.

iv. Respondent Nos. 2 and 4 - Insurers shall deposit enhanced compensation in the ratio of 80:20 respectively with interest before the Tribunal within a period of 6 weeks from this day.

v. Appellant - claimant is entitled to release of entire enhanced compensation amount.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 2 Sl No.: 3
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